



031604

16523 U.S. PTO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. D5716CIP4/C
 Anticipated Classification of this application:
 Class: 424 Subclass:
 Prior application: Examiner: Sayala, C.
 Art unit: 1716

16834 U.S. PTO
 10/801277

 031604

MS PATENT APPLICATION
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

This is a request for filing a continuing application under 37 CFR 1.53(b), of pending prior application Serial No. 08/946,710 filed on October 8, 1997, entitled **Methods for Treating Autoimmune Diseases Using Type One Interferons**.

1. X Enclosed is a complete copy of the prior application as originally filed, and a new declaration.
2. X Small entity status under 1.27(a) was established in the prior application and such status is still proper and desired.
3. X The filing fee is calculated below:

CLAIMS AS STANDING IN THE PRIOR APPLICATION LESS ANY CLAIMS CANCELLED BY AMENDMENT BELOW PLUS CLAIMS ADDED BY PRELIMINARY AMENDMENT

For:	No. filed	No. extra
Basic Fee		
Total claims*	20 = <u>12</u>	<u>0</u>
Indep. claims*	3 = <u>3</u>	<u>0</u>

 0 Multiple Dependent Claim Presented

<u>Fees for Small Entity</u>		or	<u>Fees for other than a small entity</u>	
<u>Rate</u>	<u>Fee</u>		<u>Rate</u>	<u>Fee</u>
	\$385.00	or		\$
<u> </u> x \$	= \$ <u>0-</u>	or	<u> </u> x \$	= \$
<u> </u> x \$	= \$ <u>0-</u>	or	<u> </u> x \$	= \$
+ \$	= \$ <u>0-</u>	or	\$	= \$
TOTAL	\$385.00	or	TOTAL	\$

4. X The Commissioner is hereby authorized to charge the \$385 and any additional fees which may be required, to Deposit Account No. 07-1185.
5. X The filing fee is calculated based on the number of and types of claims in the prior continuation-in-part application, U.S.S.N. 08/946,710, after entry of the amendments filed herewith.
6. X Amend the specification by replacing the first paragraph on page 1, with the following: -- This is a continuation of application U.S.S.N. 08/946,710 filed on October 8, 1997, now abandoned, which claims benefit of priority under 35 U.S.C. 120 of USSN 08/844,731, filed April 21, 1997, which claims benefit of priority under 35 U.S.C. 120 of USSN 08/631,470, filed April 12, 1996, which claims benefit of priority under 35 U.S.C. 120 of USSN 08/408,271, filed March 24, 1995, now abandoned, which claims benefit of priority under 35 U.S.C. 120 of USSN 08/226,631, filed April 12, 1994, now abandoned.--
7. Abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.
8. X Figures 1-8, 9A-9B, 10A-10F, 11-21, 22A-22B, and 23 are enclosed herewith on 23 sheets.
9. Priority of application serial no. filed on in , is claimed under 35 U.S.C. 119.
- The certified copy of the priority application has been filed in prior application serial no.
10. a. X With respect to the prior copending U.S. continuation-in-part application from which this application claims benefit under 35 U.S.C. §120, the inventor(s) in this application are:
- X the same
- b. X The inventorship for all the claims in the application are:
- X the same

11. _____ The prior application is assigned of record to _____ (Reel ____; Frame ____).
12. X The power of attorney is enclosed and is found in the new Combined Declaration and Power of Attorney.

 X Address all future communications to:


Benjamin Aaron Adler, Ph.D., J.D.
Adler & Associates
8011 Candle Lane
Houston, Texas 77071

13. X A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in prior application.)

a. X A new Declaration is enclosed.

14. X The sequence listing is enclosed, including a paper copy, a copy on disk for the computer readable form and a compliance letter indicating that the sequence listing on the paper copy and the disk are one and the same.

March 16, 2004
Date


Benjamin Aaron Adler, Ph.D., J.D.
Registration No. 35,423
Attorney for Applicant

Adler & Associates
8011 Candle Lane
Houston, Texas 77071
(713) 270-5391
BADLER1@houston.rr.com

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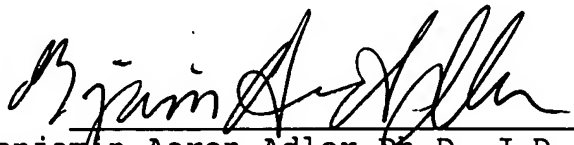
CERTIFICATE OF EXPRESS MAILING
UNDER 37 CFR 1.10

I hereby certify that this divisional transmittal and the documents referred to as attached therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service as Express Mail No.EV417704490US in an envelope addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box, Alexandria, VA 22313-1450, on the date indicated below.

Please return the enclosed postcard acknowledging receipt of this correspondence.

Respectfully submitted,

DATE: March 16, 2009


Benjamin Aaron Adler, Ph.D, J.D.
Registration No. 35,423

ADLER & ASSOCIATES
8011 Candle Lane
Houston TX 77071
(713)270-5391
BADLER1@houston.rr.com